



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,041	10/02/2001	Bobby R. Bramlett	27170/02	8688

7590 07/02/2004
GARY L. BUSH, ESQ.
ANDREWS & KURTH L.L.P.
600 TRAVIS
SUITE 4200
HOUSTON, TX 77002-2778

EXAMINER


DANG, HOANG C

ART UNIT PAPER NUMBER

3672

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/970,041	Applicant(s) BRAMLETT ET AL. 	
	Examiner Hoang Dang	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 39-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 39-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 21-22 are objected to because of the following informalities: In claim 21, line 2, the word "compares" should be --comparing--. In claim 22, line 4, the words "claim 21" should be --claim 20--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-22 and 39-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vazquez et al (US 6,343,656) in view of Purcupile (US 4,541,274) or Turner et al (US 5,064,349).

Vazquez et al disclose the invention as claimed (see Paragraph No. 5 in the Office action mailed 6/2/2003) except that Vazquez et al do not provide a permanently installed output system at the processor to provide a viewable graphical representation of the downhole card or/and surface card on a regular and on-going basis as part of the normal operations of the system. Either Purcupile or Turner et al disclose an apparatus and method for monitoring and controlling a pump system for a well. Both Purcupile and Turner et al also teach continuously monitoring and displaying the pumping system characteristics so that the well pumping operation can be carried out at maximum efficiency (see column 2, lines 25-30; column 3, lines 9-30 and page 17, lines 35-41 in Purcupile) or so that the operating conditions of the well can be readily available to an operator on site (see column 7, lines 10-19 and column 12, lines 15-43). It would have been

Art Unit: 3672

obvious to one of ordinary skill in the art at the time the invention was made to continuously display the the pumping system characteristics (i.e., downhole card or/and surface card as shown in Figures 2 and 3) of Vazquez et al as claimed in view of the teaching of Purcupile or Turner et al for the advantages point out above.

Regarding claims 40 and 48, contrary to applicant's argument, in Vazquez et al, the operation of the rod-pumping unit is optimized by inferring both surface and downhole dynagraph charts, curves or relationships from the power consumption information obtained by control unit 22. In other words, both surface and downhole dynagraph charts, curves or relationships are used to determine the optimum operating conditions of the pump. One of ordinary skill in the art when combining Vazquez et al and Purcupile or Turner et al would readily recognized that the advantage of simultaneously displaying both the downhole card and the surface card with both cards having a common axis at the same scale as claimed especially in view of the fact that such an arrangement is shown in figures 2 and 3 of Vazquez et al (see the last view in figure 2 and the first view in figure 3).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

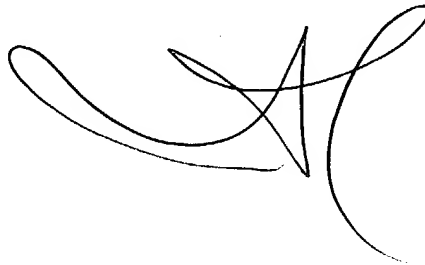
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoang Dang
Primary Examiner
Art Unit 3672

09970041.3non
6/27/04

A handwritten signature in black ink, appearing to be 'H. Dang', with a large, stylized flourish extending from the bottom right.